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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 20 March 2009 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) and has the honour to attach its report pursuant to paragraph 7 of Security Council resolution 1857 (2008) on the steps taken by the Government of Austria in implementing the restrictive measures concerning the Democratic Republic of the Congo required by Security Council resolution 1857 (2008).

Austria, as a Member State of the European Union, implements the restrictive measures concerning the Democratic Republic of the Congo required by Security Council resolution 1857 (2008) through the following measures:

First, through European Union Council Common Position 2008/369/CFSP of 14 May 2008 concerning restrictive measures against the Democratic Republic of the Congo and repealing European Union Common Position 2005/440/CFSP.

Second, the competent Austrian authorities apply the following Austrian legislation in implementing the restrictive measures concerning the Democratic Republic of the Congo required by Security Council resolution 1857 (2008):

- With regard to the obligation contained in paragraph 1 of Security Council resolution 1857 (2008), the legal basis for implementation is a national authorization procedure established by the above-mentioned Council Regulations, the Foreign Trade Act (Federal Law Gazette I No. 50/2005, as amended) and the Foreign Trade Regulation (Federal Law Gazette II No. 121/2006), as well as the War Materials Act (Federal Law Gazette I No. 540/1977, as amended). Non-compliance with the Foreign Trade Act or the War Materials Act constitutes a criminal offence punishable by up to five years of imprisonment or payment of a fine of a daily rate for up to 360 days.

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- With regard to the obligation contained in paragraph 3 of Security Council resolution 1857 (2008), concerning the reference made to paragraph 9 of Security Council resolution 1807 (2008), the Aliens Police Law (Federal Law Gazette I No. 157/2005, as amended) and the Law on Residence (Federal Law Gazette I No. 100/2005, as amended) empower the competent Austrian authorities to impose the appropriate travel or entry restrictions, as well as to notify the Committee in accordance with this paragraph.

- With regard to the obligation contained in paragraph 3 of Security Council resolution 1857 (2008), concerning the reference made to paragraph 11 of Security Council resolution 1807 (2008), the Austrian Exchange Control Act (Federal Law Gazette I No. 123/2003) stipulates that non-compliance with regulations of the European Community or relevant Austrian Federal Government regulations concerning the freezing of funds is a criminal offence punishable by up to one year of imprisonment.